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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Guidelines for Evaluating the  
Effects of Radiofrequency Radiation

ET Docket No. 93-62

DOCKET FILE COPY ORIGINAL

To: The Commission

MOTION FOR EXTENSION OF EFFECTIVE DATE OF RULES

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, by counsel, hereby respectfully requests that the Commission extend the effective date for compliance by licensed amateur radio operators with the requirements of the Report and Order, FCC 96-326, 61 Fed. Reg. 41006, 3 Pike & Fischer Communications Regulation 1092, released August 1, 1996, to and including January 1, 1998.<sup>1</sup> As good cause for the relief requested, the League states as follows:

1. The Report and Order, which adopted new standards and methods for evaluating the effects of exposure of persons to radiofrequency (RF) energy, imposes an effective date of January 1, 1997 for compliance by radio amateurs with the new standards.

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<sup>1</sup> This Motion is separate from and only indirectly related to the "Emergency Motion for Extension of Effective Date of Rules" which was filed August 12, 1996, relative to amateur examination requirements, and which was applicable to the preparation and administration of amateur radio examinations, including questions related to RF safety. That Emergency Motion is still pending and unadjudicated.

Paragraph 162 thereof states, with respect to the obligation of amateur radio licensees, as follows:

Above [a 50-watt transmitter power output threshold], the licensee must perform a routine evaluation to predict if the RF radiation could be in excess of that allowed by the criteria listed in §1.1310. If so, the licensee must take action to prevent such an occurrence. The action could be in the form of altering operating patterns, relocating the antenna, revising the station's technical parameters such as frequency, power, or emission type or combinations of these and other remedies. To assist with routine evaluation of exposure levels in accordance with the guidelines, we encourage the amateur community to develop and disseminate information in the form of tables, charts and computer analytical tools that relate such variables as operating patterns, emission types, frequencies, power and distance from antennas. We also intend to provide straightforward methods for amateur operators to determine potential exposure levels. This information could be included in our updated version of OST Bulletin No. 65, or we may follow the suggestion to develop a separate bulletin tailored for the amateur service community. As a result of the adoption of a transition period, which was discussed earlier, the new guidelines will apply to amateur stations beginning January 1, 1997. This should provide sufficient time for the amateur community and the Commission staff to prepare the necessary information to help amateur operators comply with these requirements.

2. The assumption that amateurs will be furnished with sufficient information to enable them to make the requisite evaluations and, if necessary, modify their stations to comply with the new RF exposure guidelines, all before January 1, 1997, has proven overly optimistic. The deadline should be extended to and including January 1, 1998, to permit the promulgation of computer software tools and other RF evaluation procedural information for amateurs, to permit them to perform the evaluations and, as necessary, effectuate station modifications to achieve compliance.

3. There were numerous petitions for reconsideration<sup>2</sup> filed in this proceeding in early September, none of which have to date been adjudicated. Any of a number of them, if granted, could have an impact on the guidelines, or the methods by which routine amateur station evaluations are conducted. The League's *Petition for Partial Reconsideration*, for example, sought modification of the 50-watt TPO threshold for triggering routine environmental evaluations. The resolution of that issue should, of course, predate the determination of what measurements must be employed by radio amateurs for the routine environmental evaluations.

4. Perhaps because of the need to address the reconsideration petitions, and surely as well because the Commission's staff<sup>3</sup> has actively sought industry input in preparing the revised Bulletin 65, there has been no publication of the revised Bulletin 65 to date. It is now November, and the Bulletin is not now in final form, much less published or disseminated to the amateur community. Because of the pendency of the reconsideration petitions and the unavailability of Bulletin 65 or its counterpart for the Amateur Service, the League has been unable to publish any instructional

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<sup>2</sup> The League has reviewed 16 Petitions for Reconsideration which were timely filed, and the League filed on September 6, 1996 its own Petition for Partial Reconsideration relative to certain aspects of the *Report and Order*. All of the petitions remain pending as of this writing.

<sup>3</sup> The staff of the Office of Engineering and Technology, and especially the office of Dr. Cleveland, are to be credited for their willingness to work with members of the telecommunications industry in this proceeding, both before and since the issuance of the *Report and Order*, and their solicitation of industry input in the crafting of the revised Bulletin 65.

materials for its members and radio amateurs generally, to assist in conducting routine station evaluations.

5. Even assuming that the Bulletin 65, or a separate document addressed specifically to RF exposure evaluations in the Amateur Service, were to be published in the next several weeks; and assuming that none of the pending reconsideration petitions result in any modification of the *Report and Order*; there would still be insufficient time for amateurs to be made aware of the calculation methodologies, conduct the evaluations, and then make any modifications in station configurations which might be necessary to achieve compliance, all prior to January 1, 1997. With respect to station modifications, one typical requirement would be the relocation of antenna facilities on residential lots. This, in turn, requires land use authorizations in many cases, some of which require several weeks, or even months, to obtain. Assuming that the Commission does not intend for amateur stations to be rendered inoperative or ineffective during this process, it is necessary to afford additional time to bring them into compliance with whatever the new requirements, post-reconsideration, turn out to be.<sup>4</sup>

6. It is understood that the Commission intends to minimize the regulatory burden on the more than 700,000 licensees in the

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<sup>4</sup> There would not be any significant impact from an extension of the effective date for compliance. The Commission, and all participants in this proceeding to date, concur that "situations where exposures are excessive [are] relatively uncommon, and...most amateur stations transmit for short periods of time at power levels considerably lower than the maximum allowed..."; and that the number of amateur stations which could potentially subject individuals to excessive RF levels are "relatively few". *Report and Order*, at paragraphs 160, 161.

Amateur Service, and that the routine station evaluation is not intended to be overly complex. However, any calculation that involves near-field RF exposure determinations is of necessity a relatively complicated matter<sup>5</sup>. The Commission has determined<sup>6</sup> that it is the obligation of each amateur licensee to prevent the station from transmitting from any place where the operation of the station could cause human exposure to levels of RF radiation that are in excess of the limits specified in the *Report and Order*. To fairly permit its licensees to meet this burden, the Commission must not itself be the obstacle to meeting an essentially arbitrarily-established compliance deadline. Because changes in amateur station configurations often require the approval of zoning authorities (including modifications of building permits, conditional use permits, or even variance hearings) or homeowner's associations (since the Commission has not seen fit to preempt such local regulations in this context) the ability to make necessary changes requires a substantial period of time. Six months, even if the Commission were to issue the revised Bulletin 65 or its amateur radio equivalent without delay, would not be sufficient. A one-year period for performance of the evaluation at each amateur station above the applicable power threshold, and completion of necessary station modifications, is absolutely required. The compliance

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<sup>5</sup> The evaluation is further complicated, as the Commission itself has noted, by the wide variety of permitted emissions and power and antenna configurations encountered, as well as limitations on location of antennas occasioned by state and local land use regulatory issues.

<sup>6</sup> See, the *Report and Order*, at paragraph 161.

effort of individual amateurs cannot even begin until the measurement criteria are published. As that date is not yet known, the one year extension is a conservative means of encouraging full compliance by radio amateurs.

7. Given all of the above, the League respectfully requests that the Commission issue an order, without delay, extending the time for compliance with the new guidelines for RF exposure by amateur radio licensees, to and including January 1, 1998. This will afford sufficient time for the Commission to address the reconsideration petitions and publish necessary guidelines for radio amateurs; it will afford the League sufficient time to publish compliance information and evaluation procedures; and it will allow radio amateurs the opportunity to take any necessary steps to achieve full compliance.

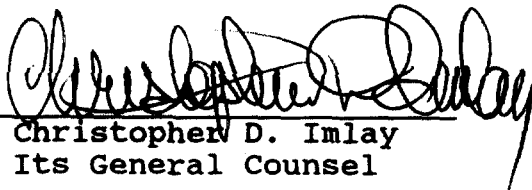
Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission, by Order, extend the compliance deadline for application of the new RF exposure standard for amateur stations, as set forth in Section 97.13(c) of the Commission's Rules, to and including January 1, 1998.

Respectfully submitted,

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League, Incorporated**

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September 7, 1996

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager of the law firm of Booth, Freret & Imlay, do certify that copies of the foregoing Motion for Extension of Effective Date of Rules were mailed this 7th day of November, 1996, via U. S. Mail, postage prepaid, first class, to the offices of the following:

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